

Planning Report

18 PRATTS ROAD KINGLAKE WEST



Two Lot Subdivision in a Bushfire Management Overlay

Reference: 29923

Millar & Merrigan Pty Ltd
trading as
Millar Merrigan
ACN 005 541 668

Metro:
2/126 Merrindale Drive,
PO Box 247
Croydon, 3136
Telephone 03 8720 9500
Facsimile 03 8720 9501

Regional:
156 Commercial Road
Morwell, 3840
email@millarmerrigan.com.au
www.millarmerrigan.com.au

PREPARED BY MILLAR MERRIGAN ON BEHALF OF:

18 Pratts Road, Kinglake West

FORMAL LAND DESCRIPTION:

Crown Allotment 25 Section B Township of Pheasant Creek Parish of Kinglake. Subject to crown grant reservations and exceptions as specified in TP688136V

PROPOSAL:

Two Lot Subdivision in a Bushfire Management Overlay

RESPONSIBLE AUTHORITY:

Murrindindi Shire Council

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EXECUTIVE SUMMARY

Millar Merrigan have been engaged to lodge this planning application for a ***Two Lot Subdivision in a Bushfire Management Overlay at 18 Pratts Road Kinglake West.***

The land is contained within the Township Zone, which supports residential development in small towns that respects the surrounding character. A permit is required for subdivision.

The proposed lots are generous in size, the existing dwelling is to be retained and a new vacant lot provided to the north, the proposed two lot subdivision is in line with character of the area.

The layout has considered the Bushfire Management Overlay and a Bushfire Management Statement accompanies this submission, which analyses the bushfire hazard of the site and surrounds. All aspects of the water, access and defendable space requirements can be met and are shown on the attached Bushfire Management Plan, which proposes a construction standard of BAL29 would be appropriate for the site, given the higher risk surrounding landscape. A permit is triggered for subdivision under this overlay.

The title stipulates that the site is subject to crown grant, reservations and exceptions as specified in TP688136V, which specifies the ability to sink water wells, mining of mineral and petroleum extract from the site. The proposed subdivision does not contravene this crown grant.

This report seeks to demonstrate how the subdivision is appropriate in terms of achieving State and Local planning objectives and policies.

1 SITE DESCRIPTION

The site is a modified rectangular shaped lot of 4,055sqm, located on the east side of Pratts Road, with an abuttal to Marks Road to the north. It contains a single storey weatherboard dwelling located towards the southern aspect of the lot, with four detached galvanised iron sheds and two water tanks. Access is gained via an existing gravel crossing in the south-west corner of the site, with a gravel driveway that loops around the sheds. The site is mostly cleared and laid to lawn, though there are several trees located around the perimeter.

The land is gently sloping and falls approximately 2.5m from south-east to north-west. Refer to the Site and Context Description (29923P1) for further details.



Figure 1: Aerial Image



Photograph 1: Existing dwelling to be retained.



Photograph 2: Existing gravel driveway south of the dwelling



Photograph 3: Existing crossover



Photograph 4: Looking south across the site at the rear of the existing sheds and dwelling.



Photograph 5: Panoramic view, looking south across the site from the northern boundary



Photograph 6: Panoramic view, looking north across the site from the rear of the sheds.

2 NEIGHBOURHOOD DESCRIPTION

The site is contained within an established residential area close to the central hub of Kinglake West. Lot sizes have been traditionally large and developed with single dwellings; however, some infill subdivisions have occurred over recent years and reduced average lot sizes to around 1000-2000sqm.

Low scale detached buildings are the dominant built form and on larger lots there is an established garden setting.

Supermarkets and public open spaces are located in an industrially zoned area, within 1km south-east of the site, with a more expansive service network in Kinglake, some 9km south-east. The site is zoned Township, whilst surrounding land uses include Low Density Residential and Farming Zone. See Figure 2 below.

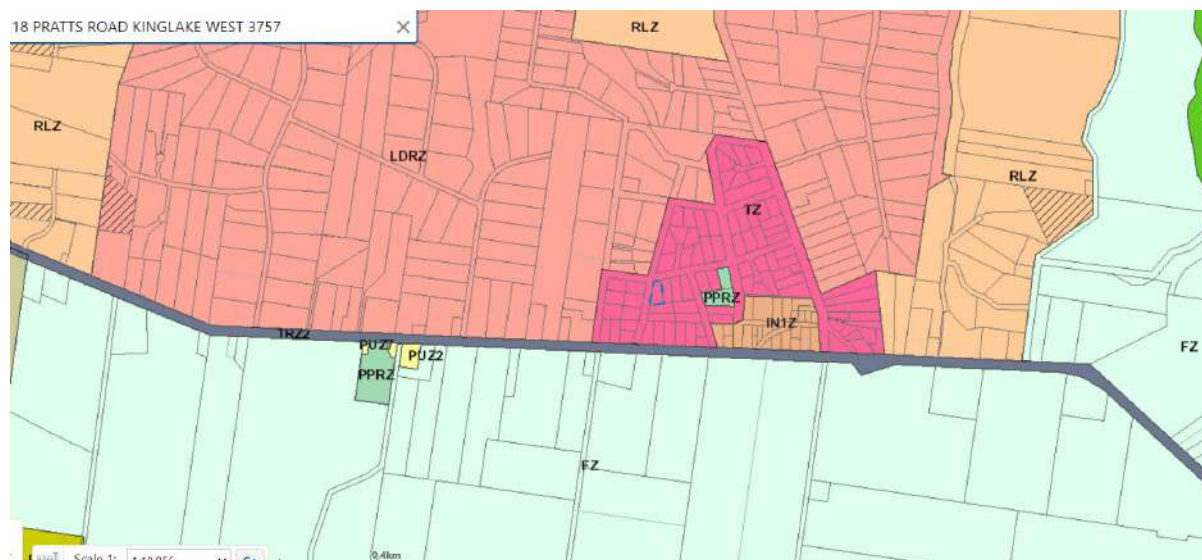


Figure 2: Surrounding Land Use

3 PROPOSAL

Given the particular site conditions, the existing buildings on site, the surrounding neighbourhood character and the applicable planning controls, it was considered appropriate to subdivide the land into two lots, retain the existing dwelling and provide a vacant lot to the north of the site.

3.1 SUBDIVISION LAYOUT

Proposed lot 1 comprises the southern part of the site and contains the existing dwelling and outbuildings, all to be retained. It offers an area of 2,048sqm. The existing gravel driveway will be retained to continue to service the dwelling and sheds.

Proposed lot 2 comprises the northern portion of the site, and offers 2,007sqm. A proposed 3.5m wide gravel crossover in the north-east corner of the site will be introduced to provide exclusive access to the vacant lot. No development or formal car parking facilities have been proposed, however an indicative driveway design shows that there is space on site to accommodate the future development of a single dwelling, with ample room for a turning zone within the 600sqm building envelope.

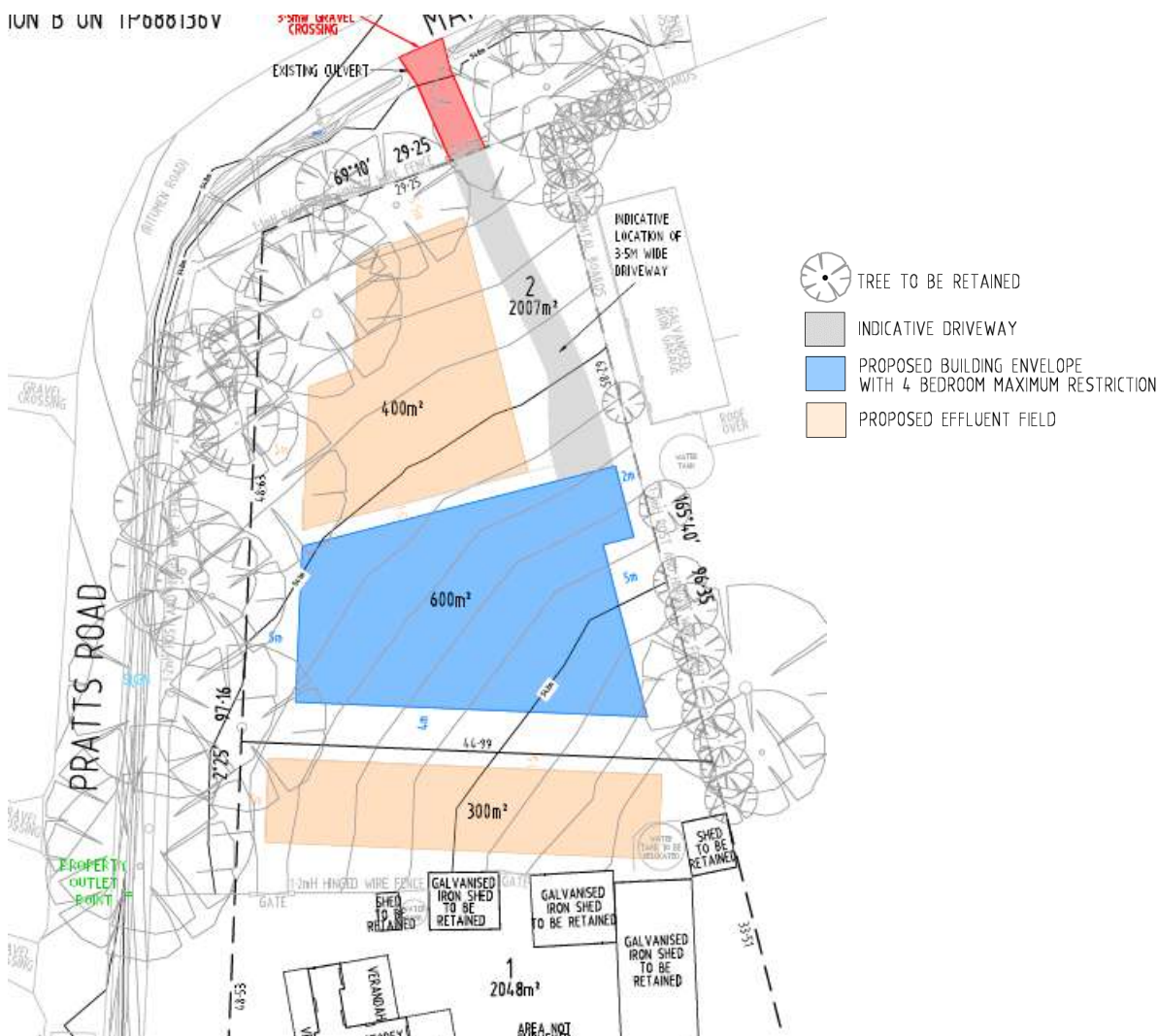


Figure 3: Proposed plan of subdivision shows building envelope on Lot 2 and effluent fields on both lots.

3.2 VEGETATION REMOVAL

The subdivision does not require the removal of any trees.

3.3 INFRASTRUCTURE SERVICING

The land is connected to power, with no reticulated water or sewer available in the area. The existing dwelling is serviced by two large water tanks. The new lot will be connected to services in accordance with the requirements of relevant authorities and water tanks will be provided.

A full Land Capability Assessment by is provided Eco Vision Australia and accompanies this submission. The findings are as follows:

- The existing primary (septic) system and absorption trenches servicing the existing three-bedroom dwelling on lot 1 will be decommissioned and replaced with a wastewater system capable of treating wastewater to secondary treatment levels with dispersal provided by Subsurface Irrigation (SSI) towards the northern internal boundary.
- Utilising subsurface irrigation (for proposed lot 2) in conjunction with secondary treatment the Land Application Area (LAA) is sized at a minimum of 300m² using the water balance as the most limiting factor based on a 3-bedroom capacity and four-bedroom capacity 400;
- Preferable location of the LAA for SSI is depicted on the plans as toward the northern boundaries of respective lot;

The location of both effluent fields is depicted on the plan of subdivision.

4 PLANNING POLICY FRAMEWORK

The following is an outline of the planning policy framework relevant to the site. A comprehensive analysis of the proposal against this matrix of applicable policy is provided below.

Zoning

Clause 32.05 Township Zone

Overlays

Clause 44.06 Bushfire Management Overlay

Planning Policy Framework (PPF)

SPPF

Clause 12.05 Significant Environments and Landscapes

Clause 13.02 Bushfire

Particular Planning Provisions

Clause 53.02 Bushfire Planning

Clause 56 Residential Subdivision

Clause 65 Decision Guidelines

4.1 PERMIT TRIGGERS

The following table outlines the permit triggers that apply to the proposal:

Planning Control	Permit Trigger
Clause 32.05 – TZ	<ul style="list-style-type: none"> Subdivision
Clause 44.06 – BMO	<ul style="list-style-type: none"> Subdivision

4.2 ZONING

Pursuant to the Murrindindi Planning Scheme, the property is contained within the Township Zone (TZ). The proposal is in accordance with the relevant purposes of the zone, which alongside implementing the Planning Policy Framework and Municipal Strategic Statement are:

- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Pursuant to Clause 32.05-5 a permit is required to subdivide land and an application must meet the requirements of Clause 56. Furthermore, each lot must be provided with reticulated sewerage, if available. If reticulated sewerage is not available, the application must be accompanied by:

- In the absence of reticulated sewerage, include a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the Environment Protection Regulations under the Environment Protection Act 2017.
- A plan which shows a building envelope and effluent disposal area for each lot.

Response –TZ:

The proposed subdivision wholly accords with the intent of the zone given the generous lot sizes and retention of the existing dwelling.

- Proposed lot 1 at 2,048sqm is more than sufficient to accommodate the existing dwelling and outbuildings as well as an updated on site effluent system, with appropriate building setbacks and spacing.
- Proposed lot 2 at 2,007sqm provides a generous sized and well dimensioned vacant lot capable of accommodating a detached dwelling development and onsite effluent treatment. Access via a proposed gravel crossover has been provided.

A permit is triggered under the zone for the subdivision.

The layout of the subdivision respects the surrounding neighbourhood character by ensuring that the resultant lots are generous in size and allow ample space for landscaping between dwellings. There are some examples of 2 lot subdivisions within the immediate area, namely in Watsons Road.

4.3 OVERLAYS

The subject site is covered by a *Bushfire Management Overlay (Clause 44.06)*. The proposal is in accordance with the relevant purposes of the overlay, which alongside implementing the Municipal Planning Strategy and Planning Policy Framework are:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Pursuant to *Clause 44.06-2* a permit is required to subdivide land.

Response – BMO:

A due diligence has been undertaken regarding the bushfire risk associated with the site and surrounds. Please refer to the accompanying Bushfire Management Statement that responds to all requirements of this Clause.

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

- ***“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:***
 - *State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.*
 - *Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
 - *State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

- ***The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”***

4.4 PLANNING POLICY FRAMEWORK (PPF)

The PPF seeks to ensure that:

The objectives of Planning in Victoria are fostered through appropriate land use and development planning policies and practices which investigate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Integrated decision making in part states that:

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The PPF is structured around the following themes; those relevant to this application are discussed below:

SETTLEMENT (CLAUSE 11)

This clause aims to ensure that sustainable development is located within areas that are well serviced, and easily accessible, and that development is guided by Metropolitan strategies within Melbourne, with the concentration of residential areas located within activity centres that are highly accessible to the community. The policy also aims to ensure a sufficient supply of urban land for many different uses within the Metropolitan areas of Melbourne. Clause 02.03 Settlement states:

The Kinglake Ranges area comprises the Kinglake, Kinglake West - Pheasant Creek, Kinglake Central and Castella settlements. The area is unserviced, with no reticulated water or sewerage. Most of this area was affected by the 2009 bushfires and has undergone an active rebuilding program.

Council seeks to develop its established townships and settlements by:

- *Supporting each township as the focus of residential, commercial, community and service hub for its surrounding area.*
- *Concentrating development in locations free from environmental constraints, where environmental values are protected and the level of community safety is improved.*
- *Support the function and residential growth of smaller townships and settlements.*

Response - Settlement:

- **The land is well located within an existing urban area and zoned for residential purposes.**
- **The proposal responds to site and neighbourhood conditions and will aid in provision of diverse and affordable housing opportunities within proximity to local facilities and services.**
- **The Kinglake West Township is located within 1km, the proposal increases walkability to essential services, reducing the reliance on cars.**

ENVIRONMENT AND LANDSCAPE (CLAUSE 12)

- This Clause aims to protect the health and diversity of ecological systems, and to conserve areas that are identified with environmental and landscape values. Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value. This clause addresses the relevant objectives of Significant Environments and Landscapes (Clause 12.05).

Response – Environment and Landscape:

- **The proposed subdivision will not cause any unacceptable impacts to landscape or the environment. No trees are marked for removal and there is ample space for introduction of more landscaping, that must respond to the bushfire risk of the site.**
- **The proposed subdivision creates 2 lots of a generous size, with extensive space able to accommodate a new dwelling, associated outbuildings and garage whilst still retaining space for the future planting of indigenous species with high environmental value.**
- **The subject site is not in an area that is particularly recognised for its environmental sensitivity or landscape significance.**

ENVIRONMENTAL RISKS AND AMENITY (CLAUSE 13)

This policy aims to ensure the resilience, safety and amenity of communities. It seeks to ensure that best environmental and risk management practices are implemented to avoid or minimise natural and human made environmental hazards, and plan for climate change impacts. Clause 13.02 addresses concerns related to Bushfire hazard, given the site is within a high risk Bushfire area. According to Clause 02.03 – Environmental Risks and Amenity:

Murrindindi Shire is subject to significant bushfire hazard, particularly in the southern section. This hazard is due to the nature and extent of vegetation, topography, potential for extreme fire behaviour arising from drought and climate change, the dispersed and ad-hoc nature of development and lack of infrastructure and access in some locations.

Consequently, the proposed design needs to consider the bushfire risk associated with this site and the wider landscape.

Response – Environmental Risks and Amenity:

- **The site is located within a Designated Bushfire Area and it is recognised that Kinglake is a high-risk area in terms of bushfire hazard.**
- **The proposed subdivision does not cause any increase to the risk to life and property. The proposed vacant lot is large enough to accommodate dwelling development, with generous setbacks and space for water tanks.**
- **Please refer to the attached BMS for more information regarding the bushfire risk of the site and surrounds.**

HOUSING (CLAUSE 16)

This Clause aims to provide housing diversity, and to ensure that housing is well located to facilitate housing sustainability. The policy aims to ensure that new housing is appropriately sited for a range of income groups to choose housing in well-serviced locations, with access to services, walkability to activity centres, public transport, schools and open space. This clause addresses the relevant

objectives of Residential Development in Non-Serviced Towns (Clause 16.02-1L), which specifically mentions the Kinglake area:

- *Support the residential redevelopment of settlements within the Kinglake Ranges, while having regard to environmental values and constraints of the area.*

Housing (Clause 02.03)

The established townships and settlements offer a significant opportunity to expand and provide living opportunities in locations with infrastructure and leisure facilities, where natural environment is protected and where a high level of community safety is facilitated.

Council seeks to manage the development of its towns by:

- *Promoting and facilitate further residential development and housing diversity in established townships to meet the needs of the community, including affordable housing, public housing and aged care accommodation.*
- *Allowing the subdivision and development of Rural Living land where environmental benefits such as the protection of native vegetation and treatment of waste water are demonstrated.*
- *Supporting residential growth that is sustainable.*
- *Facilitating the rebuilding of housing and residential diversity in towns and communities affected by natural disasters, including the 2009 bushfires.*

Response - Housing:

The site is located within a Township Zone whereby subdivision is encouraged that creates opportunities for future development.

The proposed subdivision wholly accords with the policies for housing in that it sees retention of the existing dwelling on a more compact allotment and provision of a new vacant lot suitable for a future detached dwelling. The various policies are met as follows:

- **Provision of lots in excess of 2000sqm is appropriate for this area, allowing more development which aligns with the intention of the Township zoning, whilst respecting the low density of the surrounding neighbourhood;**
- **The site is within close proximity to the range of services that the township of Kinglake West has to offer;**
- **All services are available to the land, with the exception of sewer and water, and an effluent field and water tanks are indicated on both lots to compensate for this;**
- **Ample space is maintained across the site for additional landscaping.**
- **The application responds to the need to encourage regrowth in the township after the 2009 bushfires, providing a new lot to facilitate additional housing opportunities.**

4.5 PARTICULAR PROVISIONS

Clause 53.02 Bushfire Planning

The purpose of this Clause is:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*

- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

This clause applies to an application which is subject to the Clause 44.06 - Bushfire Management Overlay.

Response – Bushfire Planning

A full response to the bushfire policy is provided in the attached Bushfire Management Statement.

5 CLAUSE 56 - RESIDENTIAL SUBDIVISION

Alongside implementing the Municipal Planning Strategy and the Planning Policy Framework, the purposes of Clause 56: Residential Subdivision relevant to this application are:

- *To create livable and sustainable neighbourhoods and urban places with character and identify;*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
 - *Metropolitan Melbourne growth areas;*
 - *Infill sites within established residential areas; and*
 - *Regional cities and towns.*
 - *To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation;*
 - *Livable and sustainable communities;*
 - *Residential lot design;*
 - *Urban landscape;*
 - *Access and mobility management;*
 - *Integrated water management;*
 - *Site management; and*
 - *Utilities.*

Pursuant to this clause, an application to subdivide land must meet all of the objectives included in the clauses specified in the zone and should meet all of the standards included in the clauses specified in the zone.

CLAUSE 56 ASSESSMENT - 2 LOTS

STANDARD C6: Neighbourhood character

Response:

The subdivision provides generous lot sizes consistent with the existing character of the area and ensures that space for landscaping is maintained.

✓ Standard
✓ Objective

STANDARD C8: Lot area and building envelopes

Response:

The vacant lot is 2,007sqm and can easily contain a detached dwelling and associated outbuildings with generous setbacks in all directions and without encroaching on the retained trees along the western side of the site. Given the BMO, a building envelope has been provided to indicate

✓ Standard
✓ Objective

appropriate setbacks can be achieved for the defensible space requirements.	
STANDARD C9: Solar orientation of lots	
Response: Both lots have appropriate solar access given the orientation of the site.	✓ Standard ✓ Objective
STANDARD C11: Common area	
Response: N/A, no common property areas area provided.	✓ N/A
STANDARD C21: Lot access	
Response: The existing gravel crossing and driveway is to be retained to continue to provide access to the existing dwelling. A new gravel crossover is proposed in the north-east of the site off Marks Road, to provide access to the vacant lot. An indicative driveway design shows that there is ample space for vehicles to turn around and leave the site in a forward direction. The driveway and crossing are 3.5m wide to meet the requirements of CFA access, given the BMO.	✓ Standard ✓ Objective
STANDARD C22: Drinking water supply	
Response: Reticulated water is currently unavailable to the site and water tanks can be utilised to service the new lot as per existing conditions for the dwelling on Lot 1.	✓ Standard ✓ Objective
STANDARD C23: Reused and recycled water	
Response: There is ample space available on site for the provision of water tanks.	✓ Standard ✓ Objective
STANDARD C24: Waste water management	
Response: The subject site does not have reticulated sewer available and will be provided with effluent fields on both lots to treat wastewater on site.	✓ Standard ✓ Objective
STANDARD C25: Stormwater management	
Response: There is no record of underground drainage adjacent to the site according to advice from Council. Therefore, all site drainage including from the overflow of onsite water retention is to be directed to the northern part of the site. Discharge must be connected table drain of Marks Road adjacent to the DDP as per the suggestion below. It is submitted that the proposal will not result in damage or inconvenience to residents from urban run-off.	✓ Standard ✓ Objective

STANDARD C26: Site management	
Response: The site will be managed to the satisfaction of the responsible authority prior to and during any construction works.	✓ Standard ✓ Objective
STANDARD C27: Shared trenching	
Response: Any new servicing will utilise shared trenching where possible.	✓ Standard ✓ Objective
STANDARD C28: Electricity, telecommunications and gas	
Response: Services that are available to the site will be supplied to each lot in accordance with the requirements of the relevant authorities.	✓ Standard ✓ Objective
NB: Some matters covered by the objectives and standards can occur after a permit for the subdivision has been issued, through a condition of permit. Considering some matters at a later date allows planning assessment to occur at an appropriate time in the design and construction process and can provide for faster, more cost-effective decision making.	

6 CLAUSE 65 - DECISION GUIDELINES

Before deciding on an application or approval of a plan, the responsible authority must consider a series of matters, and these seek to ensure good decision making. In addition to consideration of applicable policies and strategies as outlined in this report, the responsible authority must make a judgement on whether a proposal presents an appropriate outcome with respect to amenity, land use conflicts, environmental aspects and the orderly planning of the wider area.

It is submitted that this proposal responds to policy requirements and specific opportunities and constraints to offer an outcome that will make a positive contribution to the municipality. There are no fundamental shortfalls in the matters to be considered and as such we consider approval of this application to be an example of good decision making.

7 CONCLUSION

We submit that the proposed two lot subdivision is appropriate for the following reasons:

- The subdivision complies with the intent of the Township Zone which supports the opportunity for infill development that respects the surrounding character;
- The layout does not prejudice the intent of the Bushfire management Overlay, with appropriate setbacks to the higher risk vegetation to the west and north. The design meets the requirements for water, access, defensible space and suggests a construction standard of BAL29, given the higher risk of the wider landscape.
- The proposal meets all applicable objectives and standards of Clause 56 Residential Subdivision;
- Approval of the application is considered to satisfy the Decision Guidelines of Clause 65.

Millar I Merrigan